

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

June 5, 2013

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Einbinder, Mr. Johnson, Mr. Franchino, Mr. Hall, Mr. Russo, Mr. Cuocci and Ms. Perna. Mr. Bruno, Mr. Niceforo, Mr. Graziano, and Mr. Monaco were absent. Steven R. Tombalakien, Esq., substituting for Mr. Cresitello, Board Attorney, and Mr. Solfaro, Board Engineer, were also present

Adoption of Resolution:

App. #SP-3-13: Mazzocchi Mortaruolo LLC, 417 Springfield Ave., Bl. 208, L. 18 (DD Zone)

Proposed 7-Eleven will undergo interior renovations exceeding \$10,000 and therefore requires site plan approval according to Section 10.1.2.A.2 of the Land Use Procedures Ordinance. Applicant is requesting waiver under Section 10.1.3.B which allows the Planning Board to classify the application as a Minor Site Plan and waive the requirement of notice and public hearing if the application meets all of the stipulated criteria.

A motion was made by Mr. Einbinder, seconded by Ms. Perna, to adopt the above Resolution. The voice vote was unanimous with Mr. Einbinder, Mr. Johnson, Mr. Franchino, Mr. Hall, Mr. Russo and Ms. Perna voting in favor.

Adoption of Minutes:

Regular Meeting May 15, 2013

A motion was made by Mr. Einbinder, seconded by Ms. Perna, to adopt the Minutes of the Regular Meeting of May 15, 2013 as presented. The voice vote was unanimous.

Applications for Review:

App. #SP-2-13: Peak Medical LLC, 492 Springfield Avenue, Block 613, Lot 6 (Zone DD)

Requesting site plan amendment for preliminary and final site plan approval along with a prior variance of constructing a small entrance portico.

Philip Morin, attorney for the applicant, stated that the new owner of the building and operator of the office has decided to further enhance and beautify the site, make it more aesthetically pleasing and provide more space on the Springfield Avenue side. What they are proposing is to construct a 153 square foot front porch, modify the existing roof lines, add more signage and add a patio. The applicant has reviewed the report letters from Neglia Engineering and submitted amended plans to address some of the issues raised by Neglia.

Robert Gazzale, project engineer, was sworn, gave his educational background and professional experience and was accepted as an expert witness. Mr. Gazzale stated that the property at 492 Springfield Avenue is a rectangular parcel on the east side of Springfield Avenue with frontage on Springfield Avenue and Sherman Avenue. The site is 27,000 square feet. The site currently contains a medical office, parking lot, storm water detention, utilities and landscaping and is fully developed. The applicant is proposing to construct the 153 square foot porch on the front of the building facing Springfield Avenue, replace the existing concrete walkway with brick paver walkway and provide a patio area adjacent to the existing building for employees break time. There will be no change to drainage. There will be a slight increase in other coverage from 47.82% to 49.03%.

Mr. Morin read the ordinance with regard to signs and stated that it is the applicant's position that the sign comports with the permitted dimensions. The proposed sign is 4' high and 6' wide.

Mr. Solfaro noted that the maximum height allowed is up to 12'. This is considered a plaza sign and he does not think it is excessive. The applicant should be required to provide the details of the illumination as a condition of approval.

Mr. Morin stated that the principal of Peak Medical has confirmed that up-lighting spots are proposed for illuminating the sign. They will work with the Board and Township Engineers to confirm that lighting is acceptable under the design standards in the town and will accept that as a condition of approval.

Discussion took place with regard to the size and materials for the sign and whether it should be considered a plaza sign. It was recommended that the sign be consistent with other signs for single tenant buildings in the downtown district.

Mr. Morin stated that the applicant has not identified it as a plaza sign. They are seeking a variance for size and do not think it is inconsistent with other signs on Springfield Avenue. The sign that is being replaced is approximately 6' by 4'.

Following further discussion regarding the signage, Mr. Morin stated that the applicant will agree to limit the dimensions of the sign to be consistent with what is along Springfield Avenue. They will accept a condition of approval that the signage will be submitted to the Board Engineer and conform to the applicable section of the ordinance.

With regard to lighting, Mr. Gazzale stated that all the lights along Springfield Avenue are decorative and conform to downtown standards. The applicant will comply with all the comments in the Neglia letter. A door will be added to the building adjacent to the patio so there is no reduction of access to the building. Mr. Gazzale pointed out the location of the proposed patio in the corner of the building.

Mr. Gazzale presented Exhibit A-1 – proposed improvements and Exhibit A-2 – existing conditions.

Mr. Morin stated that the applicant has complied or will comply with all conditions expressed in Neglia's most recent letter dated June 3, 2013.

With regard to the existing parking lot versus the proposed lot, Mr. Gazzale stated that waivers were obtained as part of the prior approval for interior and perimeter landscaping. As part of this application the applicant is proposing to restripe the parking lot and relocate the handicap space closer to the building but no other changes to the parking lot are proposed. The applicant received a letter from the Environmental Commission requesting that a shade tree be planted on Springfield Avenue and the applicant has agreed to that.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Gazzale's testimony. There were no members of the public with questions or comments and the hearing was closed to the public.

Mark Andrews, architect, was sworn, gave his educational background and professional experience and was accepted as an expert witness.

Mr. Andrews stated that he participated in preparation of the architectural plans for this project. He described the existing conditions on Exhibit A-2 and the proposed improvements on Exhibit A-1. The building is somewhat outdated and the proposed redesign includes sloped roofs and gables. The materials will be the existing brick, asphalt shingle roofing and limestone columns. The improvements to the roof line do not create a height issue and no variance is required for height.

Mr. Andrews presented Exhibit A-3 – colorized version of Exhibit A-2, and Exhibit A-4 – rearrangement of the interior walls to improve the flow. He indicated the location of the proposed patio area and the stated that the applicant will screen the patio area with plantings.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Andrews' testimony. There were no members of the public with questions or comments and the hearing was closed to the public.

The hearing was opened to the public for questions or comments with regard to the application. There were no members of the public with questions or comments and the hearing was closed to the public.

Mr. Morin stated that this is a modest addition to a portion of the building that will provide a more consistent and architecturally pleasing view from Springfield Avenue. The applicant has agreed to conditions of approval with regard to signage, is seeking to continue waivers previously granted, and has asked for a variance for a slight increase in the existing non-conforming condition of permitted coverage. The applicant believes that the variance sought with respect to permitted coverage would be satisfied under the benefits versus detriments analysis and that the granting of the variance would not adversely impact the town ordinance or zoning plan.

Board Comments

Members of the Board expressed the opinion that this is an improvement to the property.

A motion was made by Mr. Einbinder, seconded by Ms. Perna to approve Application #SP-2-13: Peak Medical LLC, 492 Springfield Avenue, Block 613, Lot 6 (Zone DD), for preliminary and final site plan approval with a variance for increase in impervious coverage, subject to the conditions discussed during the hearing, the conditions and comments in the Neglia report dated June 3, 2013, and the requirements, restrictions and limitations that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting.

The Motion was carried 7-0 with Mr. Einbinder, Mr. Johnson, Mr. Franchino, Mr. Hall, Mr. Russo, Mr. Cuocci and Ms. Perna voting in favor. There were none opposed.

App. #M-2-13: Menza & Beissel Homes, Inc., 90 Kline Blvd., Block 1503, Lot 26

Requesting minor subdivision approval. The site to be subdivided currently contains a one and one-half story dwelling as well as a freestanding garage with an apartment above it. Elsewhere on the site are other impervious areas consisting of paved driveways, walkways and patios. It is proposed to remove all of the existing site improvements (structures and impervious areas), subdivide the property into two (2) lots and construct single-family dwellings with attached garages, paved driveways, walkways and patios on each of the new lots. (R-15 Zone)

Mr. Hall recused himself from this application as a property owner within 200'.

Richard Sherman, attorney for the applicant, stated that the subject property is in the R-15 single family residential zone. The applicant has received reports from Neglia Engineering and the Environmental Commission. The applicant is proposing to demolish the existing structures on the site, subdivide the property into two building lots and construct a new single family dwelling on each lot. A variance is being requested for lot widths of 79.20' where 100' is required.

Michael Tobia, Planner, was sworn and accepted as an expert witness. Mr. Tobia stated that this is an application to create a minor subdivision of the property at 90 Kline Blvd. He presented Exhibit A-1 – depiction of existing property with single family bungalow in modest condition and two driveway access off of Kline Blvd that provides access to the parking pad, Exhibit A-2 – photo of existing cape cod style house of approximately 1,200 square feet, and Exhibit A-3 – photo of building to the rear that was a two car garage and now has a second floor apartment. These two lots were merged together to make one and the applicant wants to recreate the subdivision line down the middle of the lot. Mr. Tobia presented Exhibit A-4 view from Kline Blvd of the building lot. Mr. Tobia stated that the right half of the lot has remained undeveloped, the property is basically flat, with no wetlands and no flood plain, and there are some scraggly evergreens in the front. There is also some vegetation around the perimeter of the property that will be saved as part of the application.

Mr. Tobia further stated that what the applicant is proposing to do is create a new subdivision line down the middle of the property that would create two lots each 79.20' wide. All existing site development would be removed. The proposed subdivision would create lots 30% larger than what is required in the R-15 zone. Lot 26.01 would be 19,774 square feet and Lot 26.02 would be 20,715 square feet. The majority of the lots in the area have the same lot width as the proposed lots and the proposed lots have nearly twice the lot depth required. The applicant has built approximately 12 homes in the area. Each

of the proposed houses will have four bedrooms, a two car garage and good quality architecture. No road widening is required and a minimal amount of trees will come down. The tree planting plan will result in 28 replacement trees, which will be evergreens or whatever else the Board wants. All the existing vegetation along the perimeter of the property will be saved.

With respect to variances, Mr. Tobia stated that the applicant meets every requirement for the R-15 zone with the exception of lot width and a variance is requested for each lot where 100' is required and 79.20' is proposed. The existing bungalow has a number of non-conformities. All those non-conforming conditions will be eliminated by demolition of the existing structures.

Mr. Tobia presented Exhibit A-5 – photo board showing what the proposed houses will look like. The proposed houses are traditional designs with 4 bedrooms and 2 ½ baths. The houses will be approximately 2800 square feet on a site that could easily accommodate a 4,000 square foot home. The applicant has chosen to put a house on the lot that he feels works with the neighborhood. The proposed houses will have basements. Creating a subdivision line down the middle of the property permits construction of two nice reasonably sized homes and avoids the possibility of one big “McMansion” on the lot which would be out of character with the neighborhood.

Mr. Tobia presented Exhibit A-6 - color tax map indicating the lot pattern along Kline Blvd. There are 11 lots across the street with the exact same lot width as the applicant proposes. To the south of the property there are larger lots which would meet or exceed the 100' requirement. Those have bigger homes with bigger yards. In his opinion as a Planner this property is ideal for subdivision and creation of two reasonably sized homes. Development with one big house would be out of character with the majority of homes in the neighborhood. Also, there is now an apartment over a garage which is not permitted. The development will provide adequate air, light and open space and will not create a substantial detriment to the neighborhood or to the zoning ordinance. In his assessment these homes will be good for local property values.

In response to questions from the Board, Mr. Tobia stated that the houses will be approximately 2,800 square feet with 4 bedrooms. Many of the houses on the street are half that size and some of the houses on Bristol Court are over 3,000 square feet. The building coverage is well below what could be built on the property. He has suggested to the applicant that the 18' setback be put on the outside as a courtesy to the neighbors and that the side yard setback between the two new homes be 15'.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Tobia's testimony.

Kevin Hall, 52 Bristol Court, stated that on the south side of Kline Blvd 80% of the properties have 100' lot widths and asked if it would be logical to respect the current zoning and require the property to adhere to that zoning.

Mr. Tobia stated that in his view the impact of this type of subdivision is extremely small. There are larger lots in the area but across the street 11 out of 12 are the same. He thinks that two homes will fit in quite well but a larger single home would not. Historically this was treated as two separate lots with the existing development confined to one half.

Cliff Octer, 56 Kline, asked about the location of the proposed homes on the property relative to the adjoining homes and if there will be a situation where the backyards of the two new homes will be in front of the existing homes. He suggested that the proposed homes be moved back a little bit to be more consistent.

Mr. Tobia said he will discuss that issue with the applicant.

Frederick Voss, engineer, was sworn, gave his educational background and professional experience and was accepted as expert witness.

Mr. Voss stated that the applicant would be amenable to increasing the outside setbacks to increase the setback from the adjacent neighbors and also to pushing the houses back 10' to be more consistent with the setback of the homes on Lots 25 and 27.

With respect to the Neglia report, Mr. Voss stated there are two units on the property now and if the subdivision is granted there will continue to be two units so there will be no traffic impact as result of subdivision. There are no outstanding issues with the Neglia report with the exception of those comments dealing with grading, drainage and utilities. The applicant will comply with the tree replacement requirements and would entertain recommendations from the Board and Environmental Commission as to plantings. The property will be served by water, sewer, electric, cable and telephone with existing connections with adequate capacity for the two proposed homes. The applicant does not propose any drainage improvements because the ordinance does not require any. The impervious coverage that is proposed will be less and the run off will decrease. The applicant has listened to the concerns of the neighbors and is proposing to install a swale on Lot 26.01.

Mr. Voss presented Exhibit A-7 – two page sketch showing portions of the proposed subdivision with an overlay of the two proposed dwellings and driveways on top of the existing conditions. This shows a substantial amount of pavement that will be removed and replaced with lawn which will reduce the run off from the lot toward Lot 25. The proposed swale is above and beyond what the ordinance would require but the applicant is inclined to do this to be a good neighbor.

Discussion took place regarding the proposed swale and the possible problems that would result if it is not properly maintained. Mr. Solfaro asked if the applicant would be willing to conduct soil tests which would be provided to the Board Engineer for review.

Mr. Voss said the applicant would be willing to do what Mr. Solfaro suggested.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Voss' testimony.

Ted Romanko, 28 Bristol Court, stated that he lives on the back side of Lot 24 on Bristol Court which is probably lower than the proposed Lot 26.02. Mr. Romanko raised questions with regard to the elevations of the neighboring lots and the effectiveness of a swale.

Mr. Voss said the neighboring lots are fairly level and he does not believe there is any overland flow toward the rear.

Mr. Romanko asked if Mr. Voss would agree that if a dry well is put on one of the proposed lots that would impact the water flow from those properties and whether the dry well should be located in the front or rear of the property. Mr. Romanko also asked why the soils were not tested and if there are alternative methods to move water from the rear of the property to the front.

Mr. Voss said he would prefer to put dry wells in the front of the property. The ordinance does not require soil testing because the storm water run off will decrease. The removal of the driveway will have a beneficial impact regardless of the condition of the soil since it will be replaced by lawn. There is no way to pitch the property from the rear toward Kline Blvd without substantial tree removal.

Joe Vicari asked where the leaders and gutters will be going and if a French drain would be installed around the foundations. Mr. Vicari suggested that Mr. Voss visit the property after a rain storm and discussed the existing drainage problems on the street which he thinks will result in the swale being washed away.

Discussion took place regarding the drainage issues in the neighborhood. It was noted that this is a proposal for a subdivision of the property and if the applicant wants to actually build on the property he will be required to obtain a building permit and to show how the drainage will be treated.

Mr. Hall asked what would be the normal venue for residents to hear about the specifics of what will be built on the property and how drainage will be handled.

Mr. Solfaro advised that when a building permit is requested the drainage would be reviewed either by himself or the Township Engineer but it would not be presented to the residents.

Mr. Hall suggested that in the absence of a formal venue it would be appropriate to have a condition that drainage be more substantial than a swale.

Mr. Tolbalakian suggested that a condition be added that the applicant will submit a plan to the Township Engineer or Board Engineer explaining how drainage would work including permeability tests.

Further discussion took place with regard to the residents' concerns with respect to drainage. Mr. Sherman requested a recess for the purpose of discussion with the applicant.

Following the short recess, Mr. Sherman proposed that the Board approve the subdivision and provide the applicant with a date to come back for a presentation with regard to the drainage over which the Board would retain jurisdiction. The applicant's engineer will meet with Mr. Solfaro and work out a solution to be discussed at that future meeting.

Discussion took place regarding how to proceed and the application was carried to the Regular Meeting of the Board on July 17, 2013 with no further notice required. At the meeting on July 17, the applicant will present a detailed drainage plan and the public will be provided an opportunity to ask questions about the proposal.

Open to the Public

The hearing was opened to the public for comments or questions with regard to the application.

Ted Romanko stated that the major concern of most of the neighbors is about drainage.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Ms. Perna, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:25 p.m.

Regina Giardina, Secretary Pro-Tem